

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH

MICHAEL DATA, DARLENE DATA,
EXECUTRIX OF THE ESTATE OF
MICHAEL DATA, DECEASED, AND
DARLENE DATA IN HER OWN RIGHT;

Plaintiffs,

vs.

2:19-CV-00879-MJH

A.O. SMITH CORPORATION, A.R.
WILFLEY & SONS, INC, ABB, INC., AS
SUCCESSOR TO BROWN BOVERI
(INDIVIDUALLY AND AS SUCCESSOR-
IN-INTEREST TO ITE IMPERIAL CO
F/K/A ITE CIRCUIT BREAKER
COMPANY); ACCO MATERIAL
HANDLING SOLUTION, INC., AECOM
ENERGY & CONSTRUCTION, INC.,
AHLSTROM PUMPS LLC, AIR & LIQUID
SYSTEMS CORPORATION,
SUCCESSOR-BY-MERGER TO BUFFALO
PUMPS, INC.; AJAX MAGNETHERMIC
CORPORATION, ALFA LAVAL, INC.,
ALLIED GLOVE CORPORATION,
ARMSTRONG INTERNATIONAL, INC.,
ARMSTRONG PUMPS, INC., ATLAS
INDUSTRIES, INC., ATWOOD &
MORRILL CO., INC., BAKER HUGHES,
A GE COMPANY, LLC; BEAZER EAST,
INC., IN ITS OWN RIGHT AND AS
SUCCESSOR TO KOPPERS CO., INC.,
AND OTHER RELATED COMPANIES,
INCLUDING THIEM CORPORATION,
BEAZER USA, INC., AND BEAZER, PLC;
BMI REFRACTORY SERVICES, INC.,
BORGWARNER MORSE TEC LLC,
BRAND INSULATIONS, INC., BRYAN
STEAM, LLC, BURNHAM LLC, BW/IP,
INC., CAMERON INTERNATIONAL
CORPORATION, CAMPBELL
HAUSFELD, LLC, CARRIER
CORPORATION, CARVER PUMP

COMPANY, CASHCO, INC.,
CATERPILLAR, INC., CATERPILLAR
GLOBAL MINING AMERICA, LLC, CBS
CORPORATION, AS SUCCESSOR BY
MERGER TO CBS CORP.;
CERTAINTIED CORPORATION, CLARK
EQUIPMENT COMPANY, CLARK
RELIANCE CORPORATION, AND ITS
DIVISION JERGUSON GAGE AND
VALVE; CLEAVER-BROOKS, CLYDE
UNION, INC., INDIVIDUALLY AND AS
SUCCESSOR-BY-MERGER TO UNION
PUMP COMPANY; COLUMBUS
MCKINNON CORP., SUCCESSOR-BY-
MERGER TO LIFT TECH
INTERNATIONAL, INC., AND ITS
SHAW-BOX HOIST DIVISION;
CORNING INCORPORATED, ON
BEHALF OF ITS FORMER CORHART
REFRACTORIES BUSINESS DIVISION;
CRANE COMPANY, INC., CROSBY
VALVE, LLC, CUMMINS, INC., DANA
COMPANIES, LLC, DANIELI
CORPORATION, DAP, INC, DEZURIK,
INC., DICK CORPORATION, DRAVO
CORPORATION, EATON
CORPORATION, AS SUCCESSOR-IN-
INTEREST TO CUTLER-HAMMER, INC.;
EICHLEAY CORPORATION,
ELECTROLUX HOME PRODUCTS INC.,
ELLIOTT COMPANY, EMERSON
CLIMATE TECHNOLOGIES, INC., IN ITS
OWN RIGHT AND AS SUCCESSOR-IN-
INTEREST TO ALCO VALVE
COMPANY; FLOWSERVE
CORPORATION, FLOWSERVE
CORPORATION, FLOWSERVE US INC.,
SOLELY AS SUCCESSOR TO
NORDSTROM AUDCO, EDWARD
VALVES INC., NORDSTROM VALVES,
INC., AND ROCKWELL
MANUFACTURING COMPANY;
FLOWSERVE US INC., SUCCESSOR TO
VALTEK INTERNATIONAL; FLSMIDTH
DORR-OLIVER, INC., AS SUCCESSOR-
IN-INTEREST TO KEELER/DORR-

OLIVER BOILER COMPANY;
FLSMIDTH, INC., FMC CORPORATION,
FORD MOTOR COMPANY, FOSTER
WHEELER LLC, GARDNER DENVER,
INC., GENERAL ELECTRIC COMPANY,
GENUINE PARTS COMPANY, GOULD
ELECTRONICS, INC., GREENE TWEED
& COMPANY, GOULDS PUMPS, LLC,
GRINNELL, LLC, GUARD LINE, INC.,
HONEYWELL, INC., HONEYWELL
INTERNATIONAL, INC., AS
SUCCESSOR-IN-INTEREST TO THE
BENDIX CORPORATION; HONEYWELL
INTERNATIONAL, INC., IN ITS OWN
RIGHT AND AS SUCCESSOR-IN-
INTEREST TO ALLIED CORPORATION
(WILPUTTE COKE OVEN DIVISION),
AND AS SUCCESSOR-IN-INTEREST TO
ALLIED CHEMICAL (WILPUTTE COKE
OVEN DIVISION), AND AS SUCCESSOR-
IN-INTEREST TO WILPUTTE COKE
OVEN CORPORATION; HOWDEN
NORTH AMERICA, INC., HUNTER
SALES CORPORATION, HYSTER-YALE
GROUP, INC., I.U. NORTH AMERICA,
INC., AS SUCCESSOR BY MERGER TO
THE GARP COMPANY, FORMERLY
KNOWN AS THE GAGE COMPANY,
FORMERLY KNOWN AS THE GAGE
COMPANY, FORMERLY KNOWN AS
PITTSBURGH GAGE AND SUPPLY
COMPANY; IMO INDUSTRIES, INC.,
INDUCTOTHERM INDUSTRIES, INC.,
INDUSTRIAL RUBBER PRODUCTS,
INGERSOLL-RAND CORPORATION, ITT
INDUSTRIES, INC., JOHNSON
CONTROLS, INC., JOY GLOBAL
SURFACE MINING, INC., JOY GLOBAL
UNDERGROUND MINING, LLC,
KELSEY-HAYES COMPANY, LEEDS &
NORTHROP COMPANY, LINDBERG,
LINDBERG MPH, M.S. JACOBS &
ASSOCIATES, INC., MACK TRUCKS,
INC., MAGNETEK, INC., M.V.S.
COMPANY, MALLINCKRODT US
HOLDINGS, LLC, MCCARLS, INC.,

MCMaster CARR SUPPLY, MCNALLY INDUSTRIES, LLC, IN ITS OWN RIGHT AND ITS NORTHERN PUMPS DIVISION, IN ITS OWN RIGHT; MCNEIL (OHIO) CORPORATION, MESTEK, INC., MET-PRO CORPORATION, AND ITS DEAN PUMP BRAND; MILWAUKEE VALVE COMPANY, MINE SAFETY APPLIANCE COMPANY, MINNOTTE CONTRACTING CORPORATION, MORGAN ENGINEERING SYSTEMS, INC., MOYNO, INC., MUELLER CO., LLC, MUELLER STEAM SPECIALTY, MW CUSTOM PAPERS, LLC, NAGLE PUMPS, INC., NAVISTAR, INC., NORTEK GLOBAL HVAC, LLC, AS SUCCESSOR BY MERGER TO REZNOR, LLC; NORTH AMERICAN MANUFACTURING CO., OSRAM SYLVANIA, INC., IN ITS OWN RIGHT AND AS SUCCESSOR-IN-INTEREST TO GTE PRODUCTS CORPORATION, THE CLARK CONTROLLER COMPANY AND A.O. SMITH CORPORATION; PECORA CORPORATION, PENNSYLVANIA POWER COMPANY, PENTAIR VALVES & CONTROLS, LLC, PNEUMO ABEX, LLC, AS SUCCESSOR-IN-INTEREST TO ABEX CORPORATION; POWER PIPING COMPANY, RCH NEW CO., II LLC, AN ALLEGED SUCCESSOR TO H.H. ROBERTSON COMPANY; READING CRANE AND ENGINEERING COMPANY, RESEARCH-COTTRELL, INC., REUNION INDUSTRIES, INC., RILEY POWER, INC., ROBBINS & MYERS, INC., ROBINSON FANS, INC., ROCKWELL AUTOMATION, INC., SUCCESSOR BY MERGER TO ALLEN BRADLEY CO; RUST ENGINEERING & CONSTRUCTION, INC., SAINT-GOBAIN ABRASIVES, INC., SAUER, INC., SCHNEIDER ELECTRIC USA, INC., SIEMENS INDUSTRY, INC., IN ITS OWN RIGHT, AND AS SUCCESSOR-IN-INTEREST TO I-T-E CIRCUIT BREAKER

COMPANY; SIMAKAS COMPANY, INC., SPIRAX SARCO, INC., SPX COOLING TECHNOLOGIES, INC., STERLING FLUID SYSTEMS (USA), LLC, SUNBEAM PRODUCTS, INC., AS SUCCESS-IN-INTEREST TO SUNBEAM CORPORATION; SUNDYNE, LLC, SURFACE COMBUSTION, SWINDELL-DRESSLER INTERNATIONAL COMPANY, THE GOODYEAR TIRE & RUBBER COMPANY, THE GORMAN-RUPP COMPANY, THE NASH ENGINEERING COMPANY, THE WILLIAM POWELL COMPANY, TRANE U.S. INC., IN ITS OWN RIGHT AND AS SUCCESSOR TO WESTINGHOUSE AIRBRAKE AND/OR WABCO; TRUMBELL INDUSTRIES, INC., TUTHILL CORPORATION, UB WEST VIRGINIA, INC., UNION CARBIDE CORPORATION, UNITED CONVEYOR CORPORATION, VELAN VALVE CORPORATION, VIKING PUMP, INC., W.W. GRAINGER, INC., WARREN PUMPS, LLC, WASHINGTON GROUP INTERNATIONAL, AND ALL ITS DOMESTIC SUBSIDIARIES INCLUDING THE BADGER COMPANY, INC.; WATSON MCDANIEL COMPANY, WATTS REGULATOR CO., WEIL-MCLAIN COMPANY, WHEELABRATOR AIR POLLUTION CONTROL, INC., WT/HRC CORPORATION, WTI RUST HOLDINGS, INC., YORK INTERNATIONAL CORPORATION, YUBA HEAT TRANSFER LLC, ZURN INDUSTRIES, INDUSTRIAL HOLDINGS CORPORATION, SURFACE COMBUSTION, LINDBERG, DICK CORPORATION, NORTEK GLOBAL HVAC, LLC, FLSMIDTH, INC., MARLEY-WYLAIN COMPANY, INCORRECTLY DESIGNATED AS WEIL-MCLAIN COMPANY; SIMAKAS COMPANY, INC., TRUMBULL INDUSTRIES, INC., UB WEST

VIRGINIA, INC., F/K/A/ UNION BOILER COMPANY; MW CUSTOM PAPERS, LLC, WT/HRC CORPORATION, WHEELABRATOR AIR POLLUTION CONTROL, INC., MVS COMPANY, SULZER PUMPS (US), INC., MESTEK, INC., MESTEK, INC., SULZER PUMPS (US), INC., GOULD ELECTRONICS, INC., MESTEK, INC., SULZER PUMPS SOLUTIONS, INC.,

Defendants,

Memorandum Opinion

This case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A) and (B), and Rule 72 of the Local Rules for Magistrate Judges. On November 9, 2021, Judge Eddy issued a Report and Recommendation (ECF No. 1187) recommending that the Court dispose of Defendants' Motions for Summary Judgment as follows:

Motion for Summary Judgment filed by:	Motion ECF No.:	Recommendation
M.S. JACOBS & ASSOCIATES, INC.	983 and 1010	Granted
FLOWSERVE US INC., SOLELY AS SUCCESSOR TO NORDSTROM AUDCO INC., EDWARD VALVES, INC., NORDSTROM VALVES, INC. AND ROCKWELL MANUFACTURING	985	Granted
ARMSTRONG INTERNATIONAL, INC.	1015	Granted
THE NASH ENGINEERING COMPANY	1024	Denied without prejudice due to bankruptcy stay
HONEYWELL, INC.	1025	Denied
THE WILLIAM POWELL COMPANY	1027	Granted
CLYDE UNION, INC.	1030	Granted
AIR & LIQUID SYSTEMS CORPORATION	1044	Denied

DCo LLC (<i>f/k/a Dana Companies LLC</i>)	1046	Granted in part and denied in part
I.U. NORTH AMERICA, INC	1049	Granted
ATWOOD & MORRILL CO., INC.	1051	Granted
VIKING PUMP, INC.	1052	Granted
GENERAL ELECTRIC COMPANY	1063	Granted in part and denied in part
DEZURIK, INC.	1067	Granted
ALFA LAVAL, INC.	1073	Granted
FMC CORPORATION	1074	Granted in part and denied in part
GARDNER DENVER, INC.	1076	Granted ¹
HYSTER-YALE GROUP, INC.	1079	Granted
BW/IP, INC.	1084	Granted
CLARK EQUIPMENT COMPANY	1085	Granted

The parties were informed that written objections to the Report and Recommendation were due by November 23, 2021. No parties filed objections. Following *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order will be entered:

Judge Eddy's Report and Recommendation (ECF No. 1187) will be adopted as the Opinion of the Court.

Defendants' Motions for Summary Judgment will be disposed as follows:

Motion for Summary Judgment filed by:	Motion ECF No.:	Disposition
M.S. JACOBS & ASSOCIATES, INC.	983 and 1010	Granted
FLOWSERVE US INC., SOLELY AS SUCCESSOR TO NORDSTROM AUDCO INC., EDWARD VALVES, INC., NORDSTROM VALVES, INC. AND ROCKWELL MANUFACTURING	985	Granted
ARMSTRONG INTERNATIONAL, INC.	1015	Granted
THE NASH ENGINEERING	1024	Denied without prejudice due to bankruptcy

¹ Clarified by Court Order Dated November 10, 2021. (ECF No. 1188).

COMPANY		stay
HONEYWELL, INC.	1025	Denied
THE WILLIAM POWELL COMPANY	1027	Granted
CLYDE UNION, INC.	1030	Granted
AIR & LIQUID SYSTEMS CORPORATION	1044	Denied
DCo LLC (<i>f/k/a Dana Companies LLC</i>)	1046	Granted in part and denied in part
I.U. NORTH AMERICA, INC	1049	Granted
ATWOOD & MORRILL CO., INC.	1051	Granted
VIKING PUMP, INC.	1052	Granted
GENERAL ELECTRIC COMPANY	1063	Granted in part and denied in part
DEZURIK, INC.	1067	Granted
ALFA LAVAL, INC.	1073	Granted
FMC CORPORATION	1074	Granted in part and denied in part
GARDNER DENVER, INC.	1076	Granted
HYSTER-YALE GROUP, INC.	1079	Granted
BW/IP, INC.	1084	Granted
CLARK EQUIPMENT COMPANY	1085	Granted

Judgment will be entered in favor of the following Defendants: M.S. JACOBS & ASSOCIATES, INC.; FLOWSERVE US INC., SOLELY AS SUCCESSOR TO NORDSTROM AUDCO INC., EDWARD VALVES, INC., NORDSTROM VALVES, INC. AND ROCKWELL MANUFACTURING; ARMSTRONG INTERNATIONAL, INC.; THE WILLIAM POWELL COMPANY ; CLYDE UNION, INC.; I.U. NORTH AMERICA, INC; ATWOOD & MORRILL CO., INC.; VIKING PUMP, INC.; DEZURIK, INC. ALFA LAVAL, INC.; GARDNER DENVER, INC.; HYSTER-YALE GROUP, INC.; BW/IP, INC.; and CLARK EQUIPMENT COMPANY.

This case will be referred to Chief Magistrate Judge Eddy with regard to the remaining defendants and remaining claims. As separate order will follow.

DATED this 2nd day of December, 2021.

BY THE COURT:



MARILYN J. HORAN
United States District Judge